

Mikelle Morra

From: David Krech
Sent: Friday, October 13, 2006 10:39 AM
To: Mikelle Morra
Subject: FW: T-Mobile Section 214 Application

-----Original Message-----

From: Kiechel, Doane F. [mailto:DKiechel@mofo.com]
Sent: Thursday, October 12, 2006 5:41 PM
To: David Krech
Cc: Neal, Joan E.; Kostyu, Jennifer
Subject: T-Mobile Section 214 Application

David-- I made a correction to the earlier email in the first paragraph to the cite, otherwise I've made no changes. Thanks.

David--

We would like to amend the application for licensing or other authority of T-Mobile USA, Inc. to add two international Section 214 authorization routes (in Macedonia and Uzbekistan) (ITC21420061004-00452) (the "Application") to include a request that the FCC condition the grant of the Application on compliance with the January 12, 2001 agreement with DOJ/FBI. (See VoiceStream Wireless Corporation, Powertel, Inc., Transferors, and Deutsche Telekom AG, Transferee, for Consent to Transfer Control of Licenses and Authorizations Pursuant to Sections 214 and 310(d) of the Communications Act, IB Docket No. 00-187, FCC 01-142, 16 FCC Rcd 9779, 9853-76 (2001)).

Specifically, please add the following language to the Application:

T-Mobile respectfully requests that the FCC condition the grant of this Application on compliance with the provisions of the January 12, 2001, Agreement with the Department of Justice ("DOJ") and the Federal Bureau of Investigation ("FBI") ("DOJ/FBI Agreement") upon which the approval of the merger between T-Mobile and DT was based. The requirements of the DOJ/FBI Agreement are binding on DT and DT's subsidiaries, including T-Mobile. Section 7.2 of the DOJ/FBI Agreement provides:

DT agrees that in its applications or petitions to the FCC for licensing or other authority filed with the FCC after the Effective Date, except with respect to pro forma assignments or pro forma transfers of control, it shall request that the FCC condition the grant of such licensing or other authority on DT's compliance with the terms of this Agreement

Exhibit A to the DOJ/FBI Agreement prescribes specific language for the conditional grant of FCC licenses at Exhibit A to the DOJ/FBI Agreement:

It is further ordered, that the authorizations and the licenses related thereto are subject to compliance with the provisions of the Agreement attached hereto between Deutsche Telekom AG, VoiceStream Wireless Corporation, VoiceStream Wireless Holding Corporation on the one hand, and the Department of Justice (the "DOJ") and the Federal Bureau of Investigation (the "FBI") on the other, dated January 12, 2001, which Agreement is designed to

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address national security, law enforcement, and public safety issues of the FBI and the DOJ regarding the authority granted herein. Nothing in the Agreement is intended to limit any obligation imposed by Federal law or regulation including, but not limited to, 47 U.S.C. § 222(a) and (c)(1) and the FCC's implementing regulations.

Thank you.

Doane F. Kiechel
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